

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

State of Wisconsin

☐ Amended

-VS-

_____, Defendant
Name

**Order Concerning
Sentence Adjustment
(Positive Adjustment Time)
§973.198**

Date of Birth

Case No. _____

Count No. _____

A petition for sentence adjustment (positive adjustment time) was filed with the court.

THE COURT FINDS:

1. The inmate is serving a bifurcated sentence on this count imposed prior to August 3, 2011.
2. The inmate is not serving a sentence on this count for a Class A or Class B felony.
3. The Department of Corrections (DOC) or the Parole Commission has verified that the inmate earned positive adjustment time because the inmate served some or all of the confinement portion of this sentence between October 1, 2009 and August 2, 2011 and was convicted of
 - ☐ a. a misdemeanor or a Class F to Class I felony that is not a violent offense, AND
 - is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, or a violation of §940.11(1), Wis. Stat. All subsequent references to the Wisconsin Statutes are to §940.235, or §940.32(3), §941.21, or §946.465;
 - has not during his/her current period of confinement served a sentence for a violent Class F to Class I felony;
 - has not during his/her current period of confinement served a sentence for a Class C to Class E felony;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats.;
 - was never committed under Chapter 975;
 - is not a violent offender under §16.964(12)(a), Wis. Stats., AND
 - was not determined by the Department of Corrections to pose a high risk of re-offending.

The inmate is therefore eligible for 1 day of positive adjustment time for every 2 days served in confinement between October 1, 2009 and August 2, 2011.

- ☐ b. a misdemeanor or a Class F to Class I felony, AND
 - is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, or a violation of §940.11(1), §940.235, or §940.32(3), §941.21, or §946.465, Wis. Stats.;
 - has not during his/her current period of confinement served a sentence for a Class C to Class E felony;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats., AND
 - was never committed under Chapter 975.

The inmate is therefore eligible for 1 day of positive adjustment time for every 3 days served in confinement between October 1, 2009 and August 2, 2011.

☐ c. a Class C to Class E felony, AND

- is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, of a violation of §940.06, §940.302, or §940.31(1), or §948.03(2)(a) or §948.40(4)(a), Wis. Stats.;
- was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
- was never found to have committed a sex offense in another jurisdiction;
- is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats., AND
- was never committed under Chapter 975.

The inmate is therefore eligible for 1 day of positive adjustment time for every 5.7 days served in confinement between October 1, 2009 and August 2, 2011.

4. At the time the petition was filed, the inmate had served the confinement portion of the sentence less positive adjustment time that the inmate claims to have earned.
5. Within 60 days of the inmate filing the petition, the Court either denied or held a hearing on the petition and issued this order.

THE COURT CONSIDERED:

- the inmate's conduct in prison;
- the inmate's risk of re-offending based on a verified, objective instrument (if available);
- the nature of the inmate's offense, AND
- ☐ Other: _____.

THE COURT ORDERS:

The Petition for Sentence Adjustment (Positive Adjustment Time) is

- ☐ 1. **GRANTED.** The confinement portion of the inmate's sentence is reduced by the amount of confinement time remaining, less up to 30 days. The unserved confinement portion of the defendant's sentence will be added to the extended supervision portion of the sentence. The total length of sentence will not change.
- ☐ 2. **DENIED.** The confinement portion of the defendant's sentence will not change.
- ☐ 3. Written reasons are attached.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL.

BY THE COURT:

DISTRIBUTION:

1. Court – Original
2. Defendant/ Defendant's Attorney
3. District Attorney
4. Department of Corrections/Parole Commission
5. Victim
6. Other: _____

Circuit Court Judge

Name Printed or Typed

Date